

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LORINDA BROWN,)	
)	
Plaintiff,)	4:09CV3066
)	
v.)	
)	
BNS PROPERTY I, LLC, A)	MEMORANDUM AND ORDER
NEBRASKA LIMITED LIABILITY)	
COMPANY, and SORTINO ASSET)	
MANAGEMENT COMPANY, LLC,)	
A NEBRASKA LIMITED)	
LIABILITY COMPANY,)	
)	
Defendants.)	

On August 21, 2009, the court entered an order, (filing no. [26](#)), striking the plaintiff's second amended complaint, (filing no. [23](#)), because it was filed without leave of the court in violation of Rules 15 and 21 of the Federal Rules of Civil Procedure. The plaintiff filed another second amended complaint on August 21, 2009, again without leave of the court. (Filing No. [27](#)). On August 26, 2009, the plaintiff filed a motion for leave to file a second amended complaint, (filing no. [28](#)), and instead of attaching the proposed amended complaint to the motion, (see [NECivR 15.1\(a\)](#)), filed it as a separate document, (filing no. [29](#)).

Defendant BNS Property, LLC, which was served with the first amended complaint on August 17, 2009, (filing no. [21](#)), continues to be a named defendant in plaintiff's proposed second amended complaint. The proposed second amended complaint seeks to add Sortino Asset Management Company, LLC, a Nebraska limited liability company, as a named defendant.

Based on the record before the court, the current status of the pleadings, and defendant BNS Property's obligation to respond to the plaintiff's filings, is unclear. To clarify the record and facilitate the progression of this case,

IT IS ORDERED:

- 1) The plaintiff's second amended complaint, (filing no. [23](#)), is stricken.
- 2) The plaintiff's second amended complaint, (filing no. [29](#)), is deemed an attachment to the plaintiff's motion for leave to file an amended complaint, (filing no. [28](#)), and the clerk shall rename filing no. [29](#) in the court's docket as "Plaintiff's Proposed Second Amended Complaint," and reference it as the attachment to plaintiff's motion for leave to file a second amended complaint, (filing no. [28](#)).
- 3) Defendant BNS Property need not respond at this time to the plaintiff's first amended complaint, (filing no. [17](#)), and is given until September 14, 2009 to respond to the plaintiff's pending motion for leave to file a second amended complaint, (filing no. [28](#)).
- 4) In an effort to avoid future procedural issues which thwart the progression of this case and cause confusion in the record, counsel for the plaintiff are instructed to review and comply with the Federal Rules of Civil Procedure and this court's local rules.

DATED this 1st day of September, 2009.

BY THE COURT:

Richard G. Kopf
United States District Judge